

1 ANNETTE L. HURST (Bar No. 148738)  
Annette.Hurst@hellerehrman.com  
2 ELISABETH R. BROWN (Bar No. 234879)  
Elisabeth.Brown@hellerehrman.com  
3 HELLER EHRMAN LLP  
4 333 Bush Street  
5 San Francisco, California 94104-2878  
Telephone: +1.415.772.6000  
6 Facsimile: +1.415.772.6268

7 JOHN C.ULIN (Bar No. 165524)  
8 John.Ulin@hellerehrman.com  
333 South Hope Street, 39th Floor  
9 Los Angeles, CA 90071  
Telephone: +1 (213) 689-0200  
10 Facsimile: + (213) 614-1868

11 Attorneys for Plaintiff  
12 WHAM-O, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION  
16

17 WHAM-O, INC.,

18 Plaintiff,

19 v.

20 BIG TIME TOYS, LLC,

21 Defendant.

Case No.: C 08-00841 PVT

**JOINT ADR CERTIFICATION,  
STIPULATION TO ADR PROCESS  
AND [PROPOSED] ORDER  
SELECTING ADR PROCESS**

22 **JOINT ADR CERTIFICATION**

23 Pursuant to Civil L.R. 16-8(b) and ADR L.R. 3-5 (b), each of the undersigned  
24 certifies that he or she has:  
25

26 (1) Read the handbook entitled "Dispute Resolution Procedures in the Northern  
27 District of California" on the Court's ADR Internet site [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov);  
28

1 (2) Discussed the available dispute resolution options provided by the Court and  
2 private entities; and

3 (3) Considered whether this case might benefit from any of the available dispute  
4 resolution options.

5  
6 Dated: May 20, 2008

/s/ Nicholas Wilcockson  
for WHAM-O, INC.

7  
8 Dated: May 20, 2008

/s/ Elisabeth R. Brown  
Attorney for Plaintiff

9  
10 Dated: May 20, 2008

/s/ Jeff Allen  
for BIG TIM TOYS LLC

11  
12 Dated: May 20, 2008

/s/ John W. Peterson  
Attorney for Defendant

13  
14  
15  
16 **JOINT ADR STIPULATION**

17 Counsel report that they have met and conferred regarding ADR and have reached the  
18 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

19 The parties agree to participate in the following ADR process:

20 **Court Processes:**

- 21 — Non-binding Arbitration (ADR L.R. 4)  
22 — Early Neutral Evaluation (ENE) (ADR L.R. 5)  
23 X Mediation (ADR L.R. 6)

24 **Private Process:**

- 25 — Private ADR (*please identify process and*  
26 *provider*)\_\_\_\_\_

27 The parties agree to hold the ADR session by:

